

Application No.: 09/483,277
Amendment dated: September 23, 2003
Reply to Office Action of: April 23, 2003

REMARKS

This amendment is responsive to the Office Action dated April 23, 2003.

Claims now in the case are 47-61, which are submitted to be allowable as treated below. Accordingly, reconsideration of the case is respectfully requested.

In paragraph two of the Office Action (paper number 30, 4/23/2003) the claims were rejected on the basis of double patenting. However, according to Applicant's file, a terminal disclaimer was submitted and received in the Patent Office on January 16, 2001, with reference to U.S. Patent No. 4,845,739 (7/4/89). A confirmatory copy of the terminal disclaimer as filed, along with a copy of the acknowledging postcard, is submitted herewith. However, as a matter of formal compliance, another terminal disclaimer is filed here, with reference to the immediate parent case, now U.S. Patent No. 6,355,965 (1/1/02). Accordingly, Applicant requests that the rejection of double patenting be withdrawn.

Claims 50-61 were rejected in paragraph four of the Office Action on the basis of 35 U.S.C. 112, first paragraph, with respect to the clause: "testing at least certain of said data entered by said individual caller to determine if the individual is calling for a first time ---". Specifically, as understood, the rejection is directed to the entry of the "data" by the individual caller.

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Essentially, the specification discloses specific exemplary operations along with variations and alternative statements indicating numerous possibilities. Recognizing the disclosure of using ANI communication to receive a caller's telephone number, caller entry by keypad also is clearly taught. The entry of a caller's telephone number is specifically indicated (page 29, lines 17-18). Accordingly, as an alternative, a caller's telephone number data may be provided by ANI (page 14, lines 3-6).

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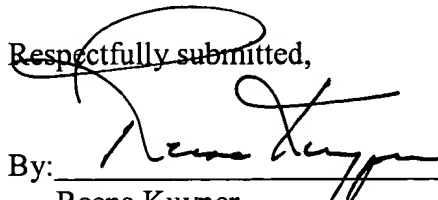
With regard to the testing, note the specification at page 14, line 8 and following. On the basis of such disclosures, reconsideration of the rejection under 35 U.S.C. 112 is respectfully requested.

At paragraph six of the Office Action, claims 47-49, also were rejected under 35 U.S.C. 103 in view of *Barger et al.* and *Gordon*. As recognized in the Office Action, *Barger* is distinct in that it does not specify receiving and recording caller number identification signals. Whereas *Gordon* discloses the use of caller identification signals, Applicant's structure as specified, for example, by claim 47 is quite distinct. Specifically, the claim specifies "selectively identifying" the "responsive signals." The feature is directed to the function of Applicant's system to identify and distinguish "digital data signals," "digital control signals" and perform functions accordingly. On the basis of the distinct function of "selectively identifying" the "responsive signals," as recited in the claims 47-49, reconsideration is respectfully requested.

Respectfully, Applicant urges the Examiner to reconsider the rejections in view of the above arguments. Favorable consideration and allowance of the pending claims is respectfully requested.

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